

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNEITA MORGAN,

Plaintiff,

v.

DECISION AND ORDER
11-CV-1009

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. §636(b)(1)(B). Both plaintiff and defendant moved for judgment on the pleadings. On June 4, 2013, Magistrate Judge Foschio issued a Report and Recommendation recommending that defendant's motion for judgment on the pleadings be granted and that plaintiff's complaint be dismissed.

Plaintiff filed objections to the Report and Recommendation issued by the Magistrate Judge. Defendant filed a response on November 15, 2013 and plaintiff replied on November 25, 2013. The Court deemed the matter submitted without oral argument.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report

and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion for judgment on the pleadings is granted.

The Clerk of the Court is instructed to close the case.

SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

Dated: January 29, 2014